

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission (Commission) hereby amends Chapter 61, “Water Quality Standards,” and Chapter 64, “Wastewater Construction and Operation Permits,” Iowa Administrative Code.

The primary purpose of these amendments is to update the Iowa Antidegradation Implementation Procedure, which is incorporated by reference. The Commission and the Department of Natural Resources (Department) received a Petition for Rule Making from the Iowa Association of Municipal Utilities, the Iowa League of Cities, and the Iowa Association of Business and Industry on April 25, 2016. In response to the petition, the Commission has established a bright-line standard for evaluating the economic efficiency of an alternative wastewater project analyzed pursuant to the Antidegradation Implementation Procedure.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 8, 2016, as **ARC 2579C**. A public hearing was held on June 29, 2016. Public comments were received and considered. A responsiveness summary has been prepared and is available at: <http://www.iowadnr.gov/Environmental-Protection/Water-Quality/Water-Quality-Standards/Antidegradation>.

In response to public comments, clarifying revisions were made at pages 13, 15, and 16 of the Iowa Antidegradation Implementation Procedure. Those clarifications do not alter the substantive impact of these amendments. The revised Iowa Antidegradation Implementation Procedure can be viewed at: <http://www.iowadnr.gov/Environmental-Protection/Water-Quality/Water-Quality-Standards/Antidegradation>.

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Commission finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective August 12, 2016. These amendments confer a benefit to or remove a restriction on the regulated public in that they provide a clarification to the requirements of the Iowa Antidegradation Implementation Procedure and will allow the continued review and permitting of wastewater construction projects in Iowa.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 455B.172, 455B.173, 455B.174, 455B.183, and 455B.197.

These amendments became effective on August 12, 2016.

The following amendments are adopted.

ITEM 1. Rescind and reserve paragraph **61.2(2)“e.”**

ITEM 2. Amend paragraph **64.2(9)“a”** as follows:

a. Review of applications for construction permits shall be based on the criteria contained in the “Iowa Wastewater Facilities Design Standards,” the Ten States Standards, the “Iowa Antidegradation Implementation Procedure” effective August 12, 2016, applicable federal guidelines and standards, standard textbooks, current technical literature and applicable safety standards. To the extent of any conflict between the above criteria, the “Iowa Wastewater Facilities Design Standards” standards shall prevail.

ITEM 3. Adopt the following **new** subparagraph **64.7(2)“f”(5)**:

(5) Any limitation necessary to comply with the antidegradation policy requirements of 567—subrule 61.2(2) implemented according to procedures hereby incorporated by reference and known as the “Iowa Antidegradation Implementation Procedure,” effective

August 12, 2016. This document may be obtained on the department's Web site at:
<http://www.iowadnr.gov/Environmental-Protection/Water-Quality/Water-Quality-Standards>.

[Filed Emergency After Notice 8/12/16, effective 8/12/16]

[Published 8/31/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/31/16.